

INITIAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 40-105.333

Specific Purpose:

This section is adopted to expand the Statewide Fingerprint Imaging System (SFIS) exclusions. This adoption will exclude non-minor dependents (NMDs) from the fingerprint and photo imaging requirements.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code Section 11253(b)(2), as amended by Assembly Bill 1712, Chapter 846, Statutes of 2012. This statute provides that NMDs are not subject to SFIS requirements.

Section 42-422.1

Specific Purpose/Factual Basis:

This section is amended to implement outline numbering and add authority and reference citations.

Section 42-422.2 and .21

Specific Purpose:

This section is adopted to add an exclusion to the residency requirements. This adoption will allow NMDs placed with approved relatives out-of-state to be excluded from the residency requirements.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code Section 11253(c), as amended by Assembly Bill 1712, Chapter 846, Statutes of 2012. This statute provides extended CalWORKs benefits to NMDs placed in the approved homes of relatives who reside in other states. This provision recognizes that the best placement option for a foster child may be with a family member living outside of California.

Section 82-504.14

Specific Purpose:

This section is adopted to expand the child support exclusions. This adoption will exempt parents of NMDs over 19 years of age and some NMDs from the child support requirements.

Factual Basis:

This adoption is necessary to comply with Family Code Section 17552(f), as amended by Assembly Bill 1712, Chapter 846, Statutes of 2012, and Family Code Section 17552(e), as amended by Assembly Bill 212, Chapter 459, Statutes of 2011. Assembly Bill 1712 provides that parenting NMDs who reside with their children in foster care are not subject to referral to the local child support agency for the payment of child support. Assembly Bill 212 clarifies that a NMD who reaches 19 years of age is not considered a child for child support purposes. These provisions will provide NMDs with more resources to ease their transition into adulthood.

b) Identification of Documents Upon Which Department Is Relying

Assembly Bill 1712, Chapter 846, Statutes of 2012.
Assembly Bill 212, Chapter 459, Statutes of 2011.

c) Local Mandate Statement

These regulations do impose a mandate upon local agencies, but not on school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the Government Code.

d) Statement of Alternatives Considered

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

In developing the regulatory action no reasonable alternatives to the statutes (i.e., AB 1712 and AB 212) have been presented to consider.

e) Statement of Significant Adverse Economic Impact On Business

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made because this action only pertains to the implementation of eligibility and child support requirements for non-minor dependents to receive extended CalWORKs benefits.

f) Economic Impact Assessment

The proposed amendments are not expected to have a direct impact on the creation or elimination of jobs, nor result in the elimination or expansion of existing businesses within the State of California. These amendments will improve the health and welfare of California residents by improving the well-being and outcomes for eligible foster youth and by easing their transition to adulthood. Without this added safety net, youth who are forced to leave the foster care system at age 18 will face high rates of homelessness, incarceration, and reliance on public assistance.

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: Will ease the transition of foster youth to adulthood by extending benefits to NMDs preventing the youth from being forced to leave the foster care system and improve the well-being and outcomes for NMDs.

The following documents were relied upon in proposing the regulatory action:
Assembly Bill 1712, Chapter 846, Statutes of 2012.
Assembly Bill 212, Chapter 459, Statutes of 2011.

g) Benefits Anticipated from Regulatory Action

This regulatory action implements AB 1712 and AB 212 and will benefit eligible foster youth receiving extended CalWORKs benefits by expanding placement options and reducing barriers to eligibility. Also, by not referring parenting NMDs to the local child support agency, AB 1712 will allow NMDs to retain more of their benefits. These, in turn, will ease the transition to adulthood while improving well-being and outcomes for NMDs.

h) Statement of Specific Technology or Equipment

This regulatory action will not mandate the use of new, specific technologies or equipment.